

BEFORE THE  
FEDERAL AVIATION ADMINISTRATION  
U.S. DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

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	)	
Flightdeck Security on Large Aircraft	)	Docket FAA-2003-15653
	)	September 16, 2003
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**.COMMENTS OF ATLAS AIR WORLDWIDE HOLDINGS, INC.**

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Flightdeck Security on Large Aircraft	)	Docket FAA-2003-15653
	)	September 9, 2003
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**COMMENTS OF ATLAS AIR WORLDWIDE HOLDINGS, INC.**

Atlas Air Worldwide Holdings, Inc. (“AAWH”), parent company of Atlas Air, Inc. (“Atlas”) and Polar Air Cargo, Inc. (“Polar”), is submitting these comments at the Federal Aviation Administration’s request in its Final Rule, 68 Fed. Reg. 42874 (July 18, 2003). In that rule, the FAA established a security-based alternative to U.S. air carrier compliance from the FAA-established flightdeck door hardening requirements that otherwise will become applicable to all-cargo aircraft on October 1, 2003.

Atlas and Polar are separately certificated U.S. air carriers providing cargo air transportation throughout the world. Together, their fleets consist of 51 B747 freighter aircraft. Polar operates a global network of scheduled cargo services, widely held out to the shipping public. Atlas offers some scheduled services but primarily operates dedicated cargo flights for other airlines and airfreight consolidators. Both airlines also provide regular services for the U.S. military.

Atlas and Polar strongly endorse what the FAA has promulgated. As the Final Rule indicates, Atlas itself initiated the rulemaking process by seeking FAA authority to

use methods other than door hardening to enhance flightdeck security. The FAA quite appropriately recognized that passenger and cargo security measures need not be identical. It noted, for instance, that the cargo door-hardening requirement had been an emergency response to a serious potential security threat, taken with “little time for receiving and evaluating a broad range of inputs on the issues and alternatives.” 68 Fed. Reg. at 42875. It also recognized the important distinction between passenger and cargo security, stating:

With a diverse population flying on commercial passenger airplanes, a reinforced door to the flightdeck is essential. In comparison, cargo operations transport far fewer riders, those riders are authorized by the company, and cargo operators have greater discretion in deciding who rides on the airplane. Security procedures can be adapted to fit the needs of cargo operations making the reinforced door less significant in terms of airplane security.

*Id.* at 42876 (emphasis added). The FAA therefore concluded that the amended rule would allow cargo aircraft operators “to meet the security needs for their particular operation through security procedures rather than doors.” 68 Fed. Reg. at 42876 (emphasis added).

We do ask the FAA to provide more specificity about the nature of the security procedures it has in mind. According to section 129.28(c)(1), in order not to harden its flightdeck doors, “the operator must implement a security program approved by the Transportation Security Administration (TSA) . . . .” That language conveys the impression that TSA is expected to establish actual procedures, such as background

checks and/or screening, that an operator can follow in order to enhance security by alternative means. Unfortunately, TSA appears to have had a different impression. Rather than formulating procedures that cargo carriers can follow, TSA, in effect, has nullified an FAA regulation conferring specific benefits on carriers. Furthermore, TSA's action (which we cannot discuss in more detail because of confidentiality) is likely to erode the business opportunities available to a number of carriers, including Atlas and Polar, and to create a discriminatory regulatory environment that disadvantages some carriers and favors their competitors.

The FAA should reinforce its intent by explaining, in a supplemental notice, that it hopes TSA will develop security-based procedures for cargo carriers to follow in order to avoid the costly and, as the FAA concluded, nonessential measure of reinforcing cargo flightdeck doors. Each carrier has unique operational characteristics and security requirements and should be permitted to tailor the procedures to "the security needs for [its] particular operation." 68 Fed. Reg. at 42876. Prompt action is essential to forestall significant harm on and after October 1.

Respectfully submitted,

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ATLAS AIR WORLDWIDE HOLDINGS, INC.  
Motion/Comments

September 16, 2003